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April 23, 2008

Via E-File and Hand Delivery  
The Honorable Mary Pat Thyng  
United States District Court  
District of Delaware  
844 North King Street  
Lockbox 8  
Wilmington, DE 18901

RE: Gorbey, et al. v. Longwill, et al.  
U.S.D.C. – District of Delaware, C.A. No. 05-211-MPT  
Our File No.: 03030.02632

Dear Judge Thyng:

This matter is scheduled to begin trial on April 28, 2008. I apologize for taking up your time, however, there are few issues I would respectfully ask the Court to address prior to Monday morning.

1. Despite your instructions at the pre-trial conference on April 3, 2008, plaintiff's counsel has still not provided the defendants with a pared down list of witnesses. This is making it difficult for the defendants to establish their own witness lists.

2. Plaintiff issued subpoenas to the Chubb adjuster handling this matter and an investigator retained by Chubb to investigate this matter. Originally, I understood they were being subpoenaed to produce the audio tapes of recorded statements the investigator obtained. I have since sent the original tapes to plaintiff's counsel and, on several occasions, asked if both of these gentlemen were still under subpoena and, if so, could I have a brief statement or offer of proof relating to their testimony. Despite my requests, I have not received a response to this inquiry.

3. Eric Fishman, the father of the decedent, is going to be called as a witness at trial. Mr. Fishman is not represented by counsel. I would like to ensure that Mr. Fishman is properly advised in advance of his testimony that he is not permitted to mention anything about insurance coverage or that he was contacted and interviewed by an investigator for an insurance company.

4. I would like a definitive statement on whose behalf the wrongful death claim is being brought. James Gorbey, the original administrator, testified at his deposition that this lawsuit was brought for the benefit

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of the estate only and not the benefit of the parents. At the pre-trial conference, this issue was raised and counsel for the estate stated that the parents are not named parties in this case. The Court asked Mr. Cohen to speak with the current administrator, Timothy Gorbey, over that weekend and provide everyone with an answer to the question by April 7, 2008. Mr. Gorbey's deposition was taken on April 14, 2008, at which time he testified that the case was only being brought on behalf of the named parties. Since Eric Fishman and Rochelle Longwill, as well as Marissa's other siblings, are not named parties in this lawsuit, I would seek to have any testimony relating to the wrongful death count precluded at the time of trial.

I would request a telephone conference to discuss these matters if time permits. Again, I thank Your Honor for your consideration with respect to these issues.

Respectfully yours,

/s/ Daniel J. Hart

Daniel J. Hart

/s/ Kevin J. Connors

Kevin J. Connors

DJH/jms

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